

1 (counsel of record on following page)

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11 EFREN LINARES, individually, and on  
12 behalf of all others similarly situated, and on  
13 behalf of the State of California and  
14 aggrieved employees pursuant to the Private  
15 Attorneys General Act,

16 Plaintiff,

17 vs.

18 ABM INDUSTRY GROUPS, LLC.,  
19 FLOWERS BAKING CO. OF MODESTO,  
20 LLC., and DOES 1 through 50, inclusive;

21 Defendants.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA- SACREMENTO DIVISION

Case No.: 1:22-cv-00816-TLN-CKD

**CLASS ACTION**

**JOINT STIPULATION AND ORDER TO  
ADJUST SCHEDULING ORDER**

*Before the Honorable Troy L. Nunley and Carolyn  
K. Delaney*

Complaint filed: July 1, 2022

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**JOINT STIPULATION**

Plaintiff EFREN LINARES and Defendants ABM INDUSTRY GROUPS, LLC and FLOWERS BAKING CO. OF MODESTO, LLC (together, "Defendants") (Plaintiff and Defendants collectively referred to as the "Parties"), through their respective attorneys of record, hereby submit the following stipulation to the Court, supported by the Declaration of Plaintiff's Counsel Dan Keller, Esq., filed concurrently herewith. The Parties agree and stipulate as follows:

WHEREAS, this matter is a putative class, collective, and Private Attorneys General Act ("PAGA") action, based primarily on Plaintiff's allegations that Defendants failed to overtime wages calculated at the correct rate of pay;

WHEREAS, pursuant to the Court's Class Action Scheduling Order issued on March 17, 2023 (ECF No. 21), Plaintiff's Motion for Class Certification is due on May 31, 2024; Defendants' Opposition is due on July 12, 2024, and Plaintiff's Reply is due on August 30, 2024. The hearing for Class Certification is scheduled for September 13, 2024 at 10:00 a.m.;

WHEREAS, in lieu of costly litigation, the Parties have agreed to seek resolution of this dispute through private mediation and, to that end, have booked a mediation session with neutral Brandon McKelvey on June 12, 2024;

WHEREAS, the Parties are also working through various discovery issues, may need Court intervention to resolve those issues, but wish to instead exhaust efforts to resolve the case with a third-party mediator;

WHEREAS, the Parties have *not* previously asked the Court to amend the Scheduling Order, *i.e.*, with the exception of recent request for a 2-week continuance of Plaintiff's Motion to Compel (*see* ECF No.33), this is the first time that the Parties have requested a continuance of any dates in this matter, and despite the matter being reassigned to Judge Troy L. Nunley and Magistrate Carolyn K. Delaney on September 13, 2023 (ECF No. 24).

WHEREAS, given the intent to pursue mediation and the resulting prospect of resolving the case, the Parties propose the following continuance of the class certification and associated deadlines:

1. Plaintiff's Motion for Class Certification is due by December 16, 2024 (previously

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1 May 31, 2024);  
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- 3 2. Defendants' Opposition is due by January 30, 2025 (previously July 12, 2024);  
4 3. Plaintiff's Reply is due by March 17, 2025 (previously August 30, 2024); and  
5 4. The hearing for Class Certification is scheduled for April 17, 2025, at 2:00 p.m.  
6 (previously September 13, 2024 at 10:00 a.m.), or as soon thereafter as the matter may  
7 be heard at such time is convenient for the Court.

8 **IT IS SO STIPULATED.**

9  
10 DATED: January 22, 2024

By: /s/ Dan Keller

11 Stan Mallison  
12 Hector Martinez  
13 Daniel Keller  
14 Caroline L. Hill  
15 Attorneys for Plaintiff

16 DATED: January 22, 2024

By: /s/ Alexander Chemers

17 Alexander Chemers  
18 Paul M. Smith  
19 Attorneys for Defendants

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## **ORDER**

**2** The Court, having reviewed the foregoing stipulation, and the supporting declaration of  
**3** counsel, and good cause appearing, hereby **ORDERS** as follows:

4 The Court's Class Action Scheduling Order issued on March 17, 2023 (ECF No. 21) is hereby  
5 adjusted as follows:

1. Plaintiff's Motion for Class Certification is due by December 16, 2024 (previously May 31, 2024);
  2. Defendants' Opposition is due by January 30, 2025 (previously July 12, 2024);
  3. Plaintiff's Reply is due by March 17, 2025 (previously August 30, 2024); and
  4. The hearing for Class Certification is scheduled for April 17, 2025 at 2:00 p.m. (previously September 13, 2024 at 10:00 a.m.).

## IT IS SO ORDERED.

Dated: January 23, 2024

  
Troy L. Nunley  
United States District Judge